



General Assembly

January Session, 2013

Amendment

LCO No. 7204

SB0105807204SR0

Offered by:

SEN. MCLACHLAN, 24th Dist.

To: Senate Bill No. 1058

File No. 492

Cal. No. 373

"AN ACT CONCERNING THE RETENTION OF UNUSED ABSENTEE BALLOTS."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 9-369b of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2013*):

5 (a) Except as provided in subsection (b) of this section, any
6 municipality may, by vote of its legislative body, authorize the
7 preparation and printing of concise explanatory texts of local
8 proposals or questions approved for submission to the electors of a
9 municipality at a referendum. In a municipality that has a town
10 meeting as its legislative body, the board of selectmen shall, by
11 majority vote, determine whether to authorize an explanatory text or
12 the dissemination of other neutral printed material. Thereafter, each
13 such explanatory text shall be prepared by the municipal clerk, subject
14 to the approval of the municipal attorney, and shall specify the intent

15 and purpose of each such proposal or question. Such text shall not
16 advocate either the approval or disapproval of the proposal or
17 question. The municipal clerk shall cause such question or proposal
18 and such explanatory text to be printed in sufficient supply for public
19 distribution and shall also provide for the printing of such
20 explanations of proposals or questions on posters of a size to be
21 determined by said clerk. At least three such posters shall be posted at
22 each polling place at which electors will be voting on such proposals or
23 questions. Any posters printed in excess of the number required by
24 this section to be posted may be displayed by said clerk at the clerk's
25 discretion at locations which are frequented by the public. The
26 explanatory text shall also be furnished to each absentee ballot
27 applicant pursuant to subsection (d) of section 9-140. Except as
28 provided in subsection (d) of this section, no expenditure of state or
29 municipal funds shall be made to influence any person to vote for
30 approval or disapproval of any such proposal or question. Any
31 municipality may, by vote of its legislative body and subject to the
32 approval of its municipal attorney, authorize the preparation and
33 printing of materials concerning any such proposal or question in
34 addition to the explanatory text if such materials do not advocate the
35 approval or disapproval of the proposal or question. This subsection
36 shall not apply to a written, printed or typed summary of an official's
37 views on a proposal or question, which is prepared for any news
38 medium or which is not distributed with public funds to a member of
39 the public except upon request of such member.

40 (b) For any referendum called for by a regional school district, the
41 regional board of education shall authorize the preparation and
42 printing of concise explanatory texts of proposals or questions
43 approved for submission to the electors of a municipality at a
44 referendum. The regional school board of education's secretary shall
45 prepare each such explanatory text, subject to the approval of the
46 regional school board of education's counsel, and shall undertake any
47 other duty of a municipal clerk, as described in subsection (a) of this
48 section.

49 (c) (1) For purposes of this subsection, "community notification
50 system" means an alert system that is available to all residents of a
51 municipality and permits any resident to opt to be notified by the
52 municipality via electronic mail, text, telephone or other electronic or
53 automated means of community events or news.

54 (2) At the direction of the chief elected official of a municipality, a
55 municipality may use a community notification system to send notices
56 informing residents of an upcoming referendum to all residents
57 enrolled in such system. Such notice shall be limited to (A) the time
58 and location of such referendum, (B) a plain statement of the proposal
59 or question to be voted upon, and (C) if applicable, the explanatory
60 text approved in accordance with subsection (a) of this section. Any
61 such notice shall not advocate the approval or disapproval of the
62 proposal or question to be decided or attempt to influence the outcome
63 of the referendum.

64 (3) Other than a notice authorized by subdivision (2) of this
65 subsection, no person may use or authorize the use of municipal
66 property, personnel or other municipal resources, including property,
67 personnel or resources of the local or regional board of education, to
68 send notices to residents of the municipality informing, reminding or
69 urging participation in a referendum using electronic mail, text,
70 telephone or other electronic or automated means. Nothing in this
71 subdivision shall be construed to prohibit a municipal official or
72 employee from (A) sending a ballot or other communication
73 electronically as authorized under a specific provision of the general
74 statutes, or (B) responding to questions or requests for information
75 received from individual residents of the municipality as long as such
76 response does not advocate the approval or disapproval of the
77 proposal or question to be decided or attempt to influence the outcome
78 of the referendum.

79 [(c)] (d) The State Elections Enforcement Commission, after
80 providing an opportunity for a hearing in accordance with chapter 54,
81 may impose a civil penalty on any person who violates subsection (a),

82 [or] (b) or (c) of this section by authorizing an expenditure of state or
83 municipal funds for a purpose which is prohibited by subsection (a) or
84 (c) of this section. The amount of any such civil penalty shall not
85 exceed twice the amount of the improper expenditure or one thousand
86 dollars, whichever is greater. In the case of failure to pay any such
87 penalty imposed under this subsection within thirty days of written
88 notice sent by certified or registered mail to such person, the superior
89 court for the judicial district of Hartford, on application of the
90 commission, may issue an order requiring such person to pay the
91 penalty imposed. Notwithstanding the provisions of sections 5-141d,
92 7-101a and 7-465, any other provision of the general statutes, and any
93 provision of any special act or charter, no state or municipal officer or
94 employee shall be indemnified or reimbursed by the state or a
95 municipality for a civil penalty imposed under this subsection.

96 [(d)] (e) Any municipality may provide, by ordinance, for the
97 preparation and printing of concise summaries of arguments in favor
98 of, and arguments opposed to, local proposals or questions approved
99 for submission to the electors of a municipality at a referendum for
100 which explanatory texts are prepared under subsection (a) or (b) of this
101 section. Any such ordinance shall provide for the establishment or
102 designation of a committee to prepare such summaries, in accordance
103 with procedures set forth in said ordinance. The members of said
104 committee shall be representatives of various viewpoints concerning
105 such local proposals or questions. The committee shall provide an
106 opportunity for public comment on such summaries to the extent
107 practicable. Such summaries shall be approved by vote of the
108 legislative body of the municipality, or any other municipal body
109 designated by the ordinance, and shall be posted and distributed in the
110 same manner as explanatory texts under subsection (a) of this section.
111 Each summary shall contain language clearly stating that the printing
112 of the summary does not constitute an endorsement by or represent
113 the official position of the municipality."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>July 1, 2013</i>	9-369b